

1 JUDGE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 UNITED STATES OF AMERICA,) NO. CR05-5823RBL
9 Plaintiff,)
10 vs.) ORDER GRANTING MOTION TO
11) CONTINUE TRIAL DATE
12 JACOB RAY GARDNER, and)
13 MICHAEL ANTONIO JORDON.)
14 JACOB RAY GARNER and)
APRYL JOY BEACH,)
Defendants.

15 The Court notes that defendants Thomas Evans Dunigan and Apryl Joy Beach
16 object to the motion to continue, however, based on the Stipulation by the Plaintiff,
17 United States of America, and defendants Jacob R. Gardner and Michael A. Jordan to
18 continue the trial date, and the affidavit of defense counsel for Mr. Gardner in support of
19 the motion the Court makes the following findings of fact and conclusions of law. :

20 1. The ends of justice served by granting this continuance outweigh the best
21 interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

22 2. Proceeding to trial absent adequate time for the defense to prepare would
23 result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

24 3. The defense needs additional time to explore issues of some complexity,
25 including all relevant issues and defenses applicable to the case, which would make it
26 unreasonable to expect adequate preparation for pretrial proceedings or for trial itself

ORDER GRANTING STIPULATED MOTION
TO CONTINUE TRIAL DATE
U.S. v. Gardner, et. al.; CR05-5823RBL

1 within the time limits established by the Speedy Trial Act and currently set for this case.

2 18 U.S.C. § 3161(h)(8)(B)(ii).

3 4. Taking into account the exercise of due diligence, a continuance is necessary
4 to allow the defendants the reasonable time for effective preparation his defense. 18
5 U.S.C. § 3161(h)(8)(B)(iv).

6 NOW, THEREFORE,

7 IT IS HEREBY ORDERED that the trial date is continued from January 30, 2006
8 to **March 20, 2006, at 9:00 am.** The resulting period of delay from January 30, 2006, to
9 March 20, 2006 is hereby excluded for speedy trial purposes under 18 U.S.C. §
10 3161(h)(8)(A) and (B).

11 Pre-trial motions are due no later than **FEBRUARY 20, 2006.**

12 Motion Hearing, if needed, and the Pre-trial conference shall be on
13 **MARCH 7, 2006, at 9:00 am.**

14 IT IS SO ORDERED this 12th day of January, 2006.

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RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

16 Presented By:

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18 _____
19 Russell V. Leonard & Linda Sullivan
Attorneys for Jacob R. Gardner

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22 Gregory Gruber
Assistant United States Attorney

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24 _____
25 Charles Johnston
26 Attorney for Michael A. Jordan

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28 _____
29 Kent Liu
Special Assistant United States Attorney